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House File 353 - Introduced

HOUSE FILE 353
BY KLEIN

A BILL FOR

1 An Act providing for certification requirements for persons
2 actively involved in the operation of a commercial manure
3 service.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2375YH (2) 86
da/nh



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H.F. 353

1 cooperative extension service in agriculture and home economics
2 of Iowa state university of science and technology cooperates
3 in administering the continuing instruction courses.



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House File 354 - Introduced

HOUSE FILE 354

BY ANDERSON, HUNTER, OLDSON,
OURTH, STAED, GASKILL,
SMITH, and McCONKEY

A BILL FOR

1 An Act establishing a refugee family support services pilot
2 program, making appropriations, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1145HH (2) 86
rh/rj



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1 Section 1. NEW SECTION. 217.41A Refugee family support
2 services pilot program.

3 1. The bureau of refugee services shall establish, promote,
4 and administer a refugee family support services pilot program
5 for purposes of providing grants to state, local, or community
6 organizations working with refugee populations to contract
7 with and train multiple refugees to act as refugee community
8 navigators. Financial assistance under the program shall be
9 provided from moneys allocated to the refugee family support
10 services fund created in section 217.41B.

11 2. The organizations awarded a grant pursuant to this
12 section shall recruit and train multiple refugee community
13 navigators to educate and provide direct assistance to their
14 respective refugee communities so the refugee communities can
15 successfully access and utilize existing community resources
16 and services.

17 3. The refugee community navigators shall train other
18 refugee community members and shall offer home-based,
19 peer-group learning sessions about resources in the community.

20 4. The grants awarded pursuant to this section shall be
21 used for employment costs of a program manager and community
22 navigator coordinator, and contract and stipend costs for
23 multiple refugee community navigators for each organization.

24 5. The bureau of refugee services shall award four grants to
25 state, local, or community organizations through a competitive
26 application process. The bureau shall provide moneys over a
27 three-year period to the organizations awarded a grant.

28 6. A state, local, or community organization awarded a grant
29 pursuant to this section shall provide the state board with
30 annual progress reports. The bureau of refugee services shall
31 present a report of the program goals and outcomes of each
32 awarded grant to the general assembly.

33 7. The bureau of refugee services shall conduct a
34 comprehensive review of the refugee family support services
35 pilot program and shall, by December 31, 2017, submit a

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1 report of its review, as well as any recommendations and cost
2 projections of its recommendations to the governor and the
3 general assembly.

4 8. The bureau of refugee services may expend program moneys
5 for administrative expenses as provided by law.

6 Sec. 2. NEW SECTION. 217.41B Refugee family support
7 services fund.

8 1. A refugee family support services fund is created in
9 the state treasury under the control of the department. The
10 fund includes but is not limited to amounts appropriated by
11 the general assembly, and other moneys available from federal
12 or private sources which are to be used for purposes of the
13 refugee family support services pilot program established in
14 section 217.41A.

15 2. Moneys remaining in the fund at the end of each fiscal
16 year shall not revert to the general fund of the state but
17 shall remain in the refugee family support services fund,
18 notwithstanding section 8.33.

19 Sec. 3. REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM
20 APPROPRIATION. There is appropriated from the general fund of
21 the state to the department of human services for the following
22 fiscal years, the following amounts, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 For deposit in the refugee family support services fund
25 created in section 217.41B to be used for the purposes of the
26 refugee family support services pilot program established in
27 section 217.41A:

28 FY 2015-2016.....	\$	746,400
29 FY 2016-2017.....	\$	746,400
30 FY 2017-2018.....	\$	746,400

31 Of the moneys appropriated for each fiscal year, \$40,000 may
32 be used for bureau of refugee services' administration costs
33 for establishing, promoting, and administering the program.

34 Sec. 4. 2013 Iowa Acts, chapter 141, section 54, subsection
35 1, paragraph b, subparagraph (4), as amended by 2014 Iowa Acts,

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1 chapter 1135, section 29, is amended to read as follows:

2 (4) From the moneys appropriated in this paragraph,
3 ~~\$210,000~~ \$500,000 shall be transferred to the department of
4 human services for purposes of administering a pilot ~~project~~
5 projects to provide access to international resources to Iowans
6 and new Iowans to provide economic and leadership development
7 resulting in Iowa being a more inclusive and welcoming place
8 to live, work, and raise a family. The pilot ~~project~~ projects
9 shall provide supplemental support services for international
10 refugees to improve learning, literacy, cultural competencies,
11 and ~~assimilation~~ integration in ~~10~~ 4 locations ~~within a county~~
12 ~~with a population over 350,000 as determined by the 2010~~
13 ~~federal decennial census~~. The department of human services
14 shall utilize a request for proposals process to identify the
15 ~~entity~~ entities best qualified to implement the pilot ~~project~~
16 projects.

17 Sec. 5. EFFECTIVE UPON ENACTMENT. The section of this Act
18 amending 2013 Iowa Acts, chapter 141, section 54, being deemed
19 of immediate importance, takes effect upon enactment.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill establishes a refugee family support services
24 pilot program and makes appropriations. The bill directs the
25 bureau of refugee services within the department of human
26 services to establish and administer the refugee family support
27 services pilot program to provide grants to state, local, or
28 community organizations working with refugee populations for
29 contracting with and training multiple refugees to act as
30 refugee community navigators. The bill requires the grants
31 to be used for employment costs of a program manager and a
32 community navigator coordinator, and the contract and stipend
33 costs for multiple refugee community navigators. The bill
34 directs the bureau of refugee services to award four grants
35 through a competitive application process and to provide

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1 funding for those organizations over a three-year period. The
2 bill requires the organizations selected to provide the bureau
3 with annual progress reports and requires the bureau to present
4 an outcomes report to the general assembly.

5 The bill appropriates \$746,400 from the general fund of
6 the state to the department of human services in fiscal years
7 2015-2016, 2016-2017, and 2017-2018, for deposit in the refugee
8 family support services fund created in the bill to be used for
9 purposes of the program established in the bill.

10 The bill increases the amount of moneys transferred to the
11 department of human services from an appropriation from the
12 Iowa skilled worker and job creation fund created in Code
13 section 9.75 to the department of education for an organization
14 to provide resources and support services for international
15 refugees for FY 2014-2015. The bill increases the number of
16 projects and decreases the number of locations that may provide
17 such supplemental support services for international refugees.
18 These provisions are made immediately effective.



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House File 355 - Introduced

HOUSE FILE 355
BY ISENHART

A BILL FOR

1 An Act relating to food waste landfill diversion demonstration
2 projects and making an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1259YH (1) 86
tr/nh



Iowa General Assembly
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H.F. 355

1 Section 1. FOOD WASTE LANDFILL DIVERSION DEMONSTRATION
2 PROJECTS.

3 1. There is appropriated from the general fund of the state
4 to the department of natural resources for the fiscal year
5 beginning July 1, 2015, and ending June 30, 2016, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For providing grants to solid waste agencies for food waste
9 landfill diversion demonstration projects:

10 \$ 200,000

11 2. Demonstration project grants shall be used to subsidize
12 municipal or private solid waste agencies to partially
13 offset the costs of collecting and transporting food waste
14 for composting or anaerobic digestion until route density or
15 collected tonnage allow the collection and transportation to
16 become economically self-supporting.

17 3. A demonstration project grant awarded pursuant to
18 this section shall be for a demonstration project to divert
19 commercial, institutional, and industrial food waste from a
20 landfill. Under a competitive application process, a solid
21 waste agency may apply for a grant amount of up to 50 percent
22 of the project costs, as matched by a cash contribution from
23 the solid waste agency, not to exceed \$50,000. At least two
24 grants shall be awarded to applicants with an existing food
25 waste composting facility or an anaerobic digestion facility
26 targeting food residuals in their territory and at least
27 two grants shall be awarded to applicants establishing such
28 facilities on or after July 1, 2015.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to food waste landfill diversion
33 demonstration projects.

34 The bill appropriates \$200,000 to the department of natural
35 resources for providing grants for food waste landfill

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1 diversion demonstration projects. A grant shall be for a
2 demonstration project to divert commercial, institutional, and
3 industrial food waste from a landfill. Under a competitive
4 application process, a solid waste agency may apply for a grant
5 amount of up to 50 percent of the project costs, as matched by
6 a cash contribution from the solid waste agency, not to exceed
7 \$50,000. At least two grants shall be awarded to applicants
8 with an existing food waste composting facility or an anaerobic
9 digestion facility targeting food residuals in their territory
10 and at least two grants shall be awarded to applicants
11 establishing such facilities on or after July 1, 2015.



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House File 356 - Introduced

HOUSE FILE 356
BY ABDUL-SAMAD

A BILL FOR

1 An Act providing for a world language education pilot program
2 and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2033YH (2) 86
je/nh



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1 Section 1. NEW SECTION. 256.34 World language education
2 pilot program — report — appropriation.

3 1. The department shall establish a world language
4 education pilot program to enhance foreign language education
5 in Iowa elementary schools. The pilot program shall provide
6 for research-based foreign language instruction of students
7 beginning in kindergarten and continuing through grade five.
8 The pilot program shall provide for yearly assessments of
9 student progress in the development of foreign language skills.
10 The department shall establish program evaluation criteria,
11 including but not limited to improvement in student grades and
12 reading, writing, and cultural competency skills.

13 2. The department shall establish the pilot program in two
14 elementary schools in school districts with enrollment less
15 than three thousand students and two elementary schools in
16 school districts with enrollment greater than three thousand
17 students. The department shall limit participation in the
18 pilot program to schools in which at least ninety percent of
19 enrolled students are eligible for free or reduced price meals
20 under the federal National School Lunch Act and the federal
21 Child Nutrition Act of 1966, 42 U.S.C. §§1751-1785. The
22 department shall give preference in the selection of schools
23 to participate in the pilot program to schools in which a
24 significant percentage of enrolled students are limited English
25 proficient as defined in section 280.4, subsection 1, or
26 in which enrolled students have a language background in a
27 significant number of languages other than English.

28 3. Each elementary school participating in the pilot
29 program shall enter into a chapter 28E agreement with a regents
30 institution to assist in the development of instruction,
31 coursework, assessments, and any other resources necessary to
32 carry out the pilot program.

33 4. The department shall submit a biennial report to
34 the general assembly beginning December 30, 2016, on the
35 department's findings and recommendations regarding the pilot

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1 program and foreign language education in this state.
2 5. There is appropriated from the general fund of the
3 state to the department of education for each of the fiscal
4 years in the fiscal period beginning July 1, 2015, and ending
5 June 30, 2021, two hundred eighty thousand dollars for the
6 pilot program. There is appropriated from the general fund of
7 the state to the department of education for the fiscal year
8 beginning July 1, 2015, and ending June 30, 2016, one hundred
9 thousand dollars for administrative costs associated with the
10 implementation of the pilot program.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill requires the department of education to establish
15 a world language education pilot program to enhance foreign
16 language education in Iowa elementary schools. The pilot
17 program shall provide for research-based foreign language
18 instruction of students beginning in kindergarten and
19 continuing through grade five. The pilot program shall provide
20 for yearly assessments of student progress in the development
21 of foreign language skills. The bill requires the department
22 to establish program evaluation criteria.

23 The bill requires the department to establish the pilot
24 program in two elementary schools in school districts with
25 enrollment less than 3,000 students and two elementary
26 schools in school districts with enrollment greater than 3,000
27 students. The bill limits participation in the pilot program
28 to schools in which at least 90 percent of enrolled students
29 are eligible for free or reduced price meals under federal
30 law. The bill requires the department to give preference in
31 the selection of schools to participate in the pilot program to
32 schools in which a significant percentage of enrolled students
33 are limited English proficient or in which enrolled students
34 have a language background in a significant number of languages
35 other than English.

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1 The bill requires a participating elementary school to enter
2 into an agreement pursuant to Code chapter 28E with a regents
3 institution to assist in the development of instruction,
4 coursework, assessments, and any other resources necessary to
5 carry out the pilot program.

6 The bill requires the department to submit a biennial report
7 to the general assembly beginning December 30, 2016, on the
8 department's findings and recommendations regarding the pilot
9 program and foreign language education.

10 The bill appropriates \$280,000 to the department for the
11 pilot program for each of the six fiscal years in the fiscal
12 period beginning July 1, 2015, and ending June 30, 2021.
13 The bill also appropriates \$100,000 to the department for
14 administrative costs associated with the implementation of the
15 pilot program for fiscal year 2015-2016.



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House File 357 - Introduced

HOUSE FILE 357
BY ISENHART

A BILL FOR

1 An Act relating to the local food and farm program fund, by
2 making a name change and making an appropriation to the fund
3 to support projects for the development or expansion of food
4 hubs or farming innovation zones.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 267A.2, subsection 4, Code 2015, is
2 amended to read as follows:

3 4. "*Fund*" means the local food and farm ~~program~~ innovation
4 fund created in section 267A.5.

5 Sec. 2. Section 267A.5, Code 2015, is amended to read as
6 follows:

7 **267A.5 Local food and farm ~~program~~ innovation fund.**

8 A local food and farm ~~program~~ innovation fund is created in
9 the state treasury under the control of the department. The
10 fund is separate from the general fund of the state. The fund
11 is composed of moneys appropriated by the general assembly and
12 moneys available to and obtained or accepted by the local food
13 and farm program from the United States government or private
14 sources for placement in the fund. Moneys in the fund shall
15 be used to carry out the purpose and goals of this chapter
16 as provided in section 267A.1, including but not limited to
17 administering the local food and farm program as provided in
18 section 267A.6. The fund shall be managed by the department in
19 consultation with the local food and farm coordinator, under
20 the supervision of the local food and farm program council.

21 Sec. 3. LOCAL FOOD AND FARM INNOVATION FUND — APPROPRIATION
22 TO SUPPORT FOOD HUBS OR FARMING INNOVATION ZONES PROJECTS.

23 1. There is appropriated from the general fund of the state
24 to the local food and farm innovation fund created in section
25 267A.5, as amended by this Act, for the fiscal year beginning
26 July 1, 2015, and ending June 30, 2016, the following amount,
27 or so much thereof as is necessary, to be used for the purposes
28 designated:

29 For purposes of supporting food hubs or farming innovation
30 zones projects as provided in this section:

31 \$ 1,000,000

32 2. Moneys appropriated in subsection 1 shall be allocated by
33 the local food and farm program council established pursuant
34 to section 267A.3 to support projects for the development or
35 expansion of food hubs or farming innovation zones in this

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1 state.

2 a. A food hub must be a centrally located facility with a
3 business management structure facilitating the aggregation,
4 storage, processing, distribution, or marketing of locally or
5 regionally produced food or food products.

6 b. A farming innovation zone must be a publicly recognized
7 location for research, development, demonstration, and
8 education that does all of the following:

9 (1) Prepares beginning farmers for the production of
10 diversified food products in Iowa for processing, wholesaling,
11 and retailing on a local or regional basis.

12 (2) Fosters the diversification of farm operations in which
13 existing producers are engaged.

14 (3) Supports the creation and expansion of production and
15 market infrastructure for a local foods economy, including but
16 not limited to food hubs.

17 3. Notwithstanding section 8.33, moneys that remain
18 unencumbered or unobligated at the end of the fiscal year shall
19 not revert but shall remain available to support the purposes
20 of this section for the succeeding fiscal year.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill amends provisions referring to the local food and
25 farm program fund. The bill changes its name to the local food
26 and farm innovation fund. The bill appropriates \$1 million
27 from the general fund of the state to the renamed fund for
28 the fiscal year beginning July 1, 2015, and ending June 30,
29 2016, to support projects for the development or expansion
30 of food hubs or farming innovation zones in this state. Any
31 unencumbered or unobligated moneys at the end of the fiscal
32 year are to remain available to support the purposes of this
33 section for the succeeding fiscal year. The bill provides that
34 a food hub must be used to facilitate the aggregation, storage,
35 processing, distribution, or marketing of locally or regionally

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1 produced food or food products. The bill provides for a farm
2 innovation zone that provides for research, development,
3 demonstration, and education to (1) prepare beginning farmers
4 for local production and retailing, (2) foster diversification
5 of farm operations, and (3) support the creation and expansion
6 of infrastructure for a local foods economy.



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House File 358 - Introduced

HOUSE FILE 358
BY HEARTSILL and R. TAYLOR

A BILL FOR

1 An Act concerning the authority of certain beer manufacturers
2 to sell beer at retail.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2338YH (3) 86
ec/nh



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1 Section 1. Section 123.130, subsection 3, Code 2015, is
2 amended to read as follows:

3 3. A person who holds a special class "A" permit for the
4 same location at which the person holds a class "C" liquor
5 control license or class "B" beer permit may manufacture and
6 sell beer to be consumed on the premises and may sell beer to a
7 class "A" permittee for resale purposes. In addition, a person
8 who holds a special class "A" permit for the same location at
9 which the person holds a class "C" liquor control license may
10 manufacture and sell beer at retail in sealed containers of not
11 more than sixty-four ounces to be consumed off the premises.
12 Beer sold at retail as provided in this subsection shall be
13 subject to the barrel tax as provided in section 123.136.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill allows a person who holds a special class "A"
18 permit to manufacture beer and a class "C" liquor control
19 license for the same location to manufacture and sell beer at
20 retail in sealed containers of not more than 64 ounces to be
21 consumed off the premises. The bill provides that beer sold at
22 retail shall be subject to the barrel tax as provided in Code
23 section 123.136.

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ec/nh

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House File 359 - Introduced

HOUSE FILE 359
BY HEATON

A BILL FOR

1 An Act relating to school district transportation costs by
2 authorizing a school district to impose a transportation
3 cost supplemental levy following approval at election and
4 including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2353YH (4) 86
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1 Section 1. NEW SECTION. **298.17 Transportation cost**
2 **supplemental levy — election.**

3 1. In order to remove school district transportation costs
4 from the state school foundation program, following approval at
5 election under subsection 2, the board of directors of a school
6 district may certify for levy by April 15 of the school year
7 preceding the budget year, a tax on all taxable property in the
8 school district for a transportation cost supplemental levy.

9 2. *a.* The board of directors of a school district may, on
10 its own motion, or shall, upon receipt of a petition signed
11 by eligible electors equal in number to at least twenty-five
12 percent of the number of voters who voted at the last preceding
13 regular school election, direct the county commissioner of
14 elections to submit to the registered voters of the school
15 district the question of whether to levy the transportation
16 cost supplemental tax not to exceed an amount authorized
17 under subsection 3. The question shall be submitted at an
18 election held on a date specified in section 39.2, subsection
19 4, paragraph “c”.

20 *b.* If a majority of the votes cast upon the proposition is
21 in favor of the proposition, the board shall annually certify
22 the amount required for a fiscal year to the county board of
23 supervisors. The board of supervisors shall levy the amount
24 certified. The amount shall be placed in the transportation
25 cost account in the general fund of the district and shall be
26 used only for the purposes specified in this section.

27 *c.* The proposition to levy the transportation cost
28 supplemental tax is not affected by a change in the boundaries
29 of a school district, except as otherwise provided in this
30 section. If each district involved in school reorganization
31 under chapter 275 has adopted the transportation cost
32 supplemental tax, and if the voters have not voted upon the
33 proposition to levy the transportation cost supplemental tax
34 in the reorganized district, the existing transportation
35 cost supplemental tax shall be in effect for the reorganized

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1 district for the least amount that has been approved in any of
2 the districts and until discontinued pursuant to this section.

3 *d.* Once approved at an election, the authority of the board
4 to levy and collect the transportation cost supplemental tax
5 shall continue until the board votes to rescind the levy and
6 collection of the tax or the voters of the school district
7 by majority vote approve the discontinuance of the levy and
8 collection of the tax. The tax shall be discontinued in the
9 manner provided for imposition of the tax under this section.

10 3. The amount certified by a school district for levy
11 under this section for a school budget year shall not exceed
12 an amount equal to the district's actual cost for all children
13 transported for the budget year preceding the base year
14 pursuant to section 285.1, subsection 12, less the amount
15 received for transporting nonpublic school pupils under section
16 285.1. However, such resulting amount shall be reduced by
17 the amount of transportation assistance aid received by the
18 district under section 257.31, subsection 17, for the same
19 budget year, if applicable.

20 4. *a.* Revenues received by a school district from a levy
21 imposed under this section shall be expended only for the
22 transportation costs of the district including but not limited
23 to the cost of repairing, maintaining, and fueling school
24 district transportation equipment and school buses, as defined
25 in section 321.1, subsection 69.

26 *b.* If a school district imposes the levy under this section
27 for a budget year, except for transportation assistance
28 aid received under section 257.31, subsection 17, and
29 notwithstanding any provision of law to the contrary, the
30 school district shall not use school district general fund
31 revenues that are outside the district's transportation cost
32 account for any purpose designated under paragraph "*a*" for that
33 same budget year.

34 5. Except for an adjustment in the amount certified for
35 levy under subsection 3, imposition of a transportation cost

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1 supplemental levy under this section shall not affect a school
2 district's eligibility for transportation assistance under
3 section 257.31, subsection 17.

4 6. Revenues received by a school district under this section
5 are miscellaneous income and shall not be included in district
6 cost.

7 Sec. 2. APPLICABILITY. This Act applies to school budget
8 years beginning on or after July 1, 2016.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill authorizes the board of directors of a school
13 district, following voter approval, to certify for levy a
14 tax on all taxable property in the school district for a
15 transportation cost supplemental levy.

16 The board of directors of a school district may, on its
17 own motion, or shall, upon receipt of a petition signed by
18 eligible electors equal in number to at least 25 percent of
19 the number of voters who voted at the last preceding school
20 election, direct the county commissioner of elections to submit
21 to the registered voters of the school district the question of
22 whether to levy the transportation cost supplemental tax. If a
23 majority of the votes cast upon the proposition is in favor of
24 the proposition, the board shall annually certify the amount
25 required for a fiscal year to the county board of supervisors.
26 The amount collected from the levy shall be placed in the
27 transportation cost account in the general fund of the district
28 and shall be used only for the purposes specified in the bill.
29 Once approved at an election, the authority of the board to
30 levy and collect the transportation cost supplemental tax
31 shall continue until the board votes to rescind the levy and
32 collection of the tax or the voters of the school district
33 by majority vote approve the discontinuance of the levy and
34 collection of the tax.

35 The amount certified by a school district for levy for a

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1 school budget year shall not exceed an amount equal to the
2 district's actual cost for all children transported for the
3 budget year preceding the base year, less the amount received
4 for transporting nonpublic school pupils. The bill provides,
5 however, that such resulting amount shall be reduced by
6 the amount of transportation assistance aid received by the
7 district under Code section 257.31(17) for the same budget
8 year, if applicable.

9 The bill specifies that revenues received by a school
10 district from a levy imposed under the bill shall be expended
11 only for the transportation costs of the district, including
12 but not limited to the cost of repairing, maintaining, and
13 fueling school district transportation equipment and school
14 buses. The bill provides that except for an adjustment in
15 the amount that may be certified for levy, imposition of a
16 transportation supplemental levy does not affect a school
17 district's eligibility for transportation assistance under Code
18 section 257.31(17).

19 The bill provides that if a school district imposes the
20 transportation cost supplemental levy for a budget year,
21 except for transportation assistance aid received under Code
22 section 257.31, and notwithstanding any provision of law to the
23 contrary, the school district may not use the school district's
24 general fund revenues that are outside the district's
25 transportation cost account for any purpose designated under
26 the bill for that same budget year.

27 The bill specifies that revenues received by a school
28 district from a transportation cost supplemental levy are
29 miscellaneous income and shall not be included in district
30 cost.

31 The bill applies to school budget years beginning on or after
32 July 1, 2016.

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Iowa General Assembly
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House File 360 - Introduced

HOUSE FILE 360
BY KAUFMANN

A BILL FOR

1 An Act establishing a medical student promise tax credit and
2 a medical student promise fund under the control of the
3 college student aid commission, and including effective date
4 and retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1681YH (3) 86
kh/sc



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1 Section 1. NEW SECTION. 261.70 Medical student promise tax
2 credit.

3 1. *Definitions.* For purposes of this section, unless the
4 context otherwise requires:

5 a. "*Commission*" means the college student aid commission.

6 b. "*Eligible degree*" means a master of physician assistant
7 studies or a doctor of medicine, pharmacy, dental surgery, or
8 osteopathy degree.

9 c. "*Eligible university*" means the state university of Iowa
10 college of medicine or Des Moines university - osteopathic
11 medical center.

12 d. "*Fund*" means the medical student promise fund.

13 e. "*Medical student*" means an individual who has entered
14 into a promise agreement and is enrolled full-time at an
15 eligible university in a curriculum leading to an eligible
16 degree.

17 f. "*Promise agreement*" means the agreement entered into in
18 subsection 3.

19 2. *Tax credit.*

20 a. A tax credit shall be allowed against the taxes imposed
21 in chapter 422, divisions II, III, and V, and in chapter 432,
22 and against the moneys and credits tax imposed in section
23 533.329, for a portion of the amount of the voluntary cash or
24 noncash contributions made by the taxpayer during the tax year
25 to the medical student promise fund.

26 b. An individual may claim a tax credit under this section
27 of a partnership, limited liability company, S corporation,
28 estate, or trust electing to have income taxed directly to
29 the individual. The amount claimed by the individual shall
30 be based upon the pro rata share of the individual's earnings
31 from the partnership, limited liability company, S corporation,
32 estate, or trust.

33 c. The amount of a tax credit allowed under this section
34 shall equal twenty-five percent of the amount of the taxpayer's
35 voluntary cash contributions made by the taxpayer during the

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1 tax year to the medical student promise fund.

2 *d.* (1) To receive a tax credit, a taxpayer must submit
3 an application to the commission. The commission shall issue
4 certificates under this section on a first-come, first-served
5 basis, which certificates may be redeemed for tax credits. In
6 allocating tax credits pursuant to this section, the commission
7 shall allocate one million dollars in the aggregate for
8 purposes of this section, unless the commission determines that
9 the tax credits awarded will be less than that amount.

10 (2) If in a fiscal year the aggregate amount of tax credits
11 applied for exceeds the amount allocated for that fiscal year
12 under this paragraph "*d*", the commission shall establish a
13 wait list for certificates. Applications that were approved
14 but for which certificates were not issued shall be placed
15 on the wait list in the order the applications were received
16 by the commission and shall be given priority for receiving
17 certificates in succeeding fiscal years.

18 *e.* The commission shall, in cooperation with the
19 department of revenue, establish criteria and procedures
20 for the allocation and issuance of tax credits by means of
21 certificates issued by the commission. The criteria shall
22 include the contingencies that must be met for a certificate
23 to be redeemable in order to receive a tax credit. The
24 procedures established by the commission, in cooperation with
25 the department of revenue, shall relate to the procedures for
26 the issuance and transfer of the certificates and for the
27 redemption of a certificate and related tax credit.

28 *f.* A certificate and related tax credit issued pursuant to
29 this section shall be deemed a vested right of the original
30 holder or any transferee thereof, and the state shall not cause
31 either to be redeemed in such a way that amends or rescinds the
32 certificate or that curtails, limits, or withdraws the related
33 tax credit, except as otherwise provided in this section or
34 upon consent of the proper holder. A certificate issued
35 pursuant to this section cannot pledge the credit of the state

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1 and any such certificate so pledged to secure the debt of the
2 original holder or a transferee shall not constitute a contract
3 binding the state.

4 *g.* Any tax credit in excess of the taxpayer's liability
5 for the tax year may be credited to the tax liability for the
6 following five years or until depleted, whichever is earlier.
7 A tax credit shall not be carried back to a tax year prior to
8 the tax year in which the taxpayer claims the tax credit.

9 *h.* Tax credit certificates issued pursuant to this section
10 may be transferred, in whole or in part, to any person. A tax
11 credit certificate shall only be transferred once. Within
12 ninety days of transfer, the transferee shall submit the
13 transferred tax credit certificate to the department of revenue
14 along with a statement containing the transferee's name, tax
15 identification number, and address, the denomination that each
16 replacement tax credit certificate is to carry, and any other
17 information required by the department of revenue.

18 *i.* Within thirty days of receiving the transferred tax
19 credit certificate and the transferee's statement, the
20 department of revenue shall issue one or more replacement
21 tax credit certificates to the transferee. Each replacement
22 tax credit certificate must contain the information required
23 for the original tax credit certificate. A replacement tax
24 credit certificate may designate a different tax than the tax
25 designated on the original tax credit certificate. A tax
26 credit shall not be claimed by a transferee under this section
27 until a replacement tax credit certificate identifying the
28 transferee as the proper holder has been issued.

29 *j.* The transferee may use the amount of the tax credit
30 transferred against the taxes imposed in chapter 422, divisions
31 II, III, and V, and in chapter 432, and against the moneys and
32 credits tax imposed in section 533.329, for any tax year the
33 original transferor could have claimed the tax credit. Any
34 consideration received for the transfer of the tax credit shall
35 not be included as income under chapter 422, divisions II,

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1 III, and V. Any consideration paid for the transfer of the tax
2 credit shall not be deducted from income under chapter 422,
3 divisions II, III, and V.

4 3. *Promise agreement.* A promise agreement shall be entered
5 into by a medical student and the commission when the medical
6 student begins the curriculum leading to an eligible degree.
7 Under the promise agreement, a medical student shall agree to
8 and shall fulfill all of the following requirements:

9 a. If the medical student is enrolled in a curriculum
10 leading to a doctor of medicine, pharmacy, dental surgery, or
11 osteopathy degree, or master of physician assistant studies,
12 apply for, enter, and complete an Iowa-based residency program.

13 b. Apply for and obtain a license to practice as a physician
14 assistant pursuant to chapter 148C, a license to practice as a
15 physician and surgeon or an osteopathic physician and surgeon
16 licensed pursuant to chapter 148, or pharmacist pursuant to
17 chapter 155A, or a dentist licensed pursuant to chapter 153.

18 c. Within nine months of graduating from a residency
19 program, if applicable, and receiving a permanent license in
20 accordance with paragraph "b", reside in Iowa and engage in the
21 full-time practice in Iowa as a physician assistant, a dentist,
22 or a doctor of medicine and surgery or osteopathic medicine
23 and surgery or a pharmacist for a period of sixty consecutive
24 months.

25 4. *Postponement and satisfaction of service obligation.*

26 a. The obligation to engage in practice in accordance with
27 subsection 3 may be postponed for the following purposes:

28 (1) Active duty status in the armed forces, the armed forces
29 military reserve, or the national guard.

30 (2) Service in volunteers in service to America.

31 (3) Service in the federal peace corps.

32 (4) A period of service commitment to the United States
33 public health service commissioned corps.

34 (5) A period of religious missionary work conducted by an
35 organization exempt from federal income taxation pursuant to

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1 section 501(c)(3) of the Internal Revenue Code.

2 (6) Any period of temporary medical incapacity during which
3 the person obligated is unable, due to a medical condition, to
4 engage in full-time practice as required under subsection 3,
5 paragraph "c".

6 b. Except for a postponement under paragraph "a",
7 subparagraph (6), an obligation to engage in practice under
8 a promise agreement shall not be postponed for more than
9 two years from the time the full-time practice was to have
10 commenced under the promise agreement.

11 c. An obligation to engage in full-time practice under a
12 promise agreement shall be considered satisfied when any of the
13 following conditions are met:

14 (1) The terms of the promise agreement are completed.

15 (2) The person who entered into the promise agreement dies.

16 (3) The person who entered into the promise agreement is
17 unable, due to a permanent disability, to practice as provided
18 in the agreement.

19 d. If an individual fails to fulfill the obligation to
20 engage in practice in accordance with the promise agreement,
21 the individual shall be subject to repayment to the commission
22 of the amount paid by the commission to reduce the individual's
23 educational loan interest rate plus interest as specified by
24 rule.

25 5. *Fund created.*

26 a. A medical student promise fund is created as a
27 revolving fund in the state treasury under the control of the
28 commission. The fund shall consist of all moneys deposited
29 in the fund pursuant to this section, any funds received
30 from other sources, and interest and earnings thereon. The
31 commission is the trustee of the fund and shall administer
32 the fund. Any loss to the fund shall be charged against the
33 fund and the commission shall not be personally liable for
34 such loss. Moneys in the fund are not subject to section
35 8.33. Notwithstanding section 12C.7, subsection 2, interest or

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1 earnings on moneys in the fund shall be credited to the fund.

2 *b.* Moneys in the fund shall be used by the commission to
3 reduce the interest rate charged to a medical student for an
4 educational loan to a rate that is not more than one-half of
5 the interest rate currently charged for federal educational
6 loans under the federal Higher Education Act of 1965, as
7 amended and codified in 20 U.S.C. §1071 et seq.

8 6. *Information upon request.* An eligible university shall
9 collect and provide to the commission any information required
10 by the commission for the administration of this section in the
11 manner and form prescribed by the commission.

12 7. *Report.* On or before January 15 of each year, the
13 commission, in cooperation with the department of revenue,
14 shall submit to the general assembly and the governor a report
15 describing the activities of the medical student promise fund
16 during the preceding fiscal year. The report shall at a
17 minimum include the following information:

18 *a.* The amount of tax credit certificates issued to
19 individuals pursuant to this section.

20 *b.* The amount of approved tax credit applications that were
21 placed on the wait list for certificates.

22 *c.* The amount of tax credits claimed.

23 *d.* The amount of tax credits transferred to other persons.

24 *e.* The amount of the voluntary cash or noncash contributions
25 made by taxpayers during the tax year to the medical student
26 promise fund.

27 Sec. 2. NEW SECTION. 422.11K Medical student promise tax
28 credits.

29 The taxes imposed under this division, less the credits
30 allowed under section 422.12, shall be reduced by a medical
31 student promise tax credit allowed under section 261.70.

32 Sec. 3. Section 422.33, Code 2015, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 22. The taxes imposed under this division
35 shall be reduced by a medical student promise tax credit

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1 allowed under section 261.70.

2 Sec. 4. Section 422.60, Code 2015, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 14. The taxes imposed under this division
5 shall be reduced by a medical student promise tax credit
6 allowed under section 261.70.

7 Sec. 5. NEW SECTION. 432.12N **Medical student promise tax**
8 **credit.**

9 The taxes imposed under this chapter shall be reduced by
10 a medical student promise tax credit allowed under section
11 261.70.

12 Sec. 6. Section 533.329, subsection 2, Code 2015, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. 1. The moneys and credits tax imposed under
15 this section shall be reduced by a medical student promise tax
16 credit allowed under section 261.70.

17 Sec. 7. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of
18 immediate importance, takes effect upon enactment.

19 Sec. 8. **RETROACTIVE APPLICABILITY.** This Act applies
20 retroactively to January 1, 2015, for tax years beginning on
21 or after that date for purposes of the medical student promise
22 tax credit and for cash and noncash contributions made to the
23 medical student promise fund created pursuant to section 261.70
24 made on or after that date.

25 **EXPLANATION**

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill establishes a medical student promise tax credit
29 and a medical student promise fund under the control of the
30 college student aid commission for the purpose of providing
31 a means for reducing the interest rate charged to a medical
32 student for an educational loan to an amount of interest that
33 is not more than one-half of the interest rate currently
34 charged for federal educational loans.

35 **TAX CREDIT.** The tax credit is allowed against the personal

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1 and corporate income tax, franchise tax, insurance premium tax,
2 and the moneys and credits tax.

3 To receive a certificate which may be redeemed for a tax
4 credit, the taxpayer must submit an application to the college
5 student aid commission. The commission must issue certificates
6 on a first-come, first-served basis. In allocating tax
7 credits, the commission shall allocate \$1 million in the
8 aggregate for certificates for tax credits, unless the
9 commission determines that the tax credits awarded will be
10 less than that amount. If the amount of applications exceeds
11 the available tax credits in a fiscal year, the commission is
12 required to establish a wait list and give priority in later
13 years to applications on the wait list.

14 The taxpayer may transfer a tax credit once, and the bill
15 establishes procedures for transferring the credit to another
16 person. Within 90 days of transfer, the transferee must submit
17 the transferred tax credit certificate to the department of
18 revenue along with a statement containing information specified
19 in the bill. Within 30 days of receiving the transferred
20 tax credit certificate and the transferee's statement, the
21 department of revenue must issue one or more replacement tax
22 credit certificates to the transferee. A replacement tax
23 credit certificate may designate a different tax than the
24 tax designated on the original tax credit certificate. Any
25 consideration received for the transfer of the tax credit shall
26 not be included as income. Any consideration paid for the
27 transfer of the tax credit shall not be deducted from income.

28 The commission must, in cooperation with the department of
29 revenue, establish criteria and procedures for the allocation
30 and issuance of tax credits by means of certificates issued by
31 the commission. The criteria shall include the contingencies
32 that must be met for a certificate to be redeemable in order to
33 receive a tax credit.

34 Any tax credit in excess of the taxpayer's liability for the
35 tax year may be credited to the tax liability for the following

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1 five years or until depleted, whichever is earlier. A tax
2 credit shall not be carried back to a tax year prior to the tax
3 year in which the taxpayer claims the tax credit.

4 PROMISE AGREEMENT. To be eligible for the reduction in
5 the interest rate charged for an educational loan, a medical
6 student must enter into a promise agreement with the commission
7 and be enrolled full-time in an eligible university in a
8 curriculum leading to an eligible degree. "Eligible degree"
9 means a master of physician assistant studies or a doctor of
10 medicine, pharmacy, dental surgery, or osteopathy degree;
11 and "eligible university" means the state university of Iowa
12 college of medicine or Des Moines university - osteopathic
13 medical center.

14 Under the promise agreement, a medical student shall agree
15 to and shall fulfill certain requirements, including completing
16 a residency if applicable, applying for and obtaining a license
17 to practice, residing in Iowa, and engaging in full-time
18 practice in the state as a physician assistant, a dentist, or
19 a doctor of medicine and surgery or osteopathic medicine and
20 surgery, or pharmacist for a period of 60 consecutive months.

21 The bill provides for the postponement and satisfaction
22 of the obligation to practice full time in Iowa. Practice
23 may be postponed for certain purposes, such as active duty
24 status in the armed forces, the armed forces military reserve,
25 or the national guard; service in volunteers in service to
26 America; service in the federal peace corps; a period of
27 service commitment to the United States public health service
28 commissioned corps; a period of religious missionary work; or
29 any period of temporary medical incapacity during which the
30 person obligated is unable to engage in full-time practice.
31 However, except for medical incapacity, an obligation to engage
32 in practice shall not be postponed for more than two years from
33 the time the full-time practice was to have commenced under the
34 promise agreement.

35 The practice obligation shall be considered satisfied when

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1 the terms of the agreement are completed or the person dies or
2 is unable to practice due to a permanent disability.

3 If an individual's obligation is not postponed or satisfied,
4 and the person fails to fulfill the obligation to practice,
5 the individual is subject to repayment to the commission of
6 the amount paid by the commission to reduce the individual's
7 educational loan interest rate plus interest as specified by
8 rule.

9 MEDICAL STUDENT PROMISE FUND CREATED. A medical student
10 promise fund is created as a revolving fund in the state
11 treasury under the control of the commission and administered
12 by the commission. Moneys in the fund shall be used by the
13 commission to reduce the interest rate charged to a medical
14 student for an educational loan to a rate that is not more
15 than half of the interest rate currently charged for federal
16 educational loans. Any loss to the fund shall be charged
17 against the fund and the commission shall not be personally
18 liable for such loss. Moneys in the fund do not revert to the
19 general fund of the state and interest or earnings on moneys in
20 the fund are to be credited to the fund.

21 INFORMATION/REPORTS/REVIEW. On or before January 15 of each
22 year, the commission, in cooperation with the department of
23 revenue, must submit to the general assembly and the governor
24 a report describing the commission's activities relating to
25 the medical student promise fund during the preceding fiscal
26 year, including information regarding the applications placed
27 on the wait list, contributions made, certificates issued, and
28 tax credits claimed. An eligible university shall collect
29 and provide to the commission any information required by the
30 commission for administration of the fund.

31 EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.
32 The bill takes effect upon enactment and applies retroactively
33 to January 1, 2015, for tax years beginning, and contributions
34 made to the fund, on or after that date.

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Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 361 - Introduced

HOUSE FILE 361
BY HEDDENS

A BILL FOR

1 An Act creating a children's mental health and disability
2 services advisory council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1766YH (3) 86
rh/nh



Iowa General Assembly
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H.F. 361

1 Section 1. NEW SECTION. 217.11 Children's mental health and
2 disability services advisory council.

3 1. A children's mental health and disability services
4 advisory council is established to advise the department of
5 human services on planning and implementation issues, best and
6 emerging practices, and outcomes relating to mental health and
7 disability services for children in this state. The council
8 shall consist of fifteen members and shall be composed of
9 a diverse group of stakeholders in order to ensure that a
10 broad range of voices, representative of persons who receive
11 or are involved with children's mental health and disability
12 services, help shape Iowa's children's system of mental
13 health and disability services care. Council members should
14 include family members, service recipients or former service
15 recipients, providers of services, academics, members of the
16 juvenile justice system, and other persons with an interest
17 in ensuring a strong, effective children's mental health and
18 disability service system.

19 2. Council members shall be appointed by the director and
20 shall serve three-year staggered terms for terms beginning and
21 ending as provided in section 69.19. Vacancies on the council
22 shall be filled for the remainder of the term of the original
23 appointment. Members are entitled to reimbursement of actual
24 expenses incurred in the performance of their official duties.

25 3. All council meetings shall be public meetings.

26 4. The council shall submit an annual report to include
27 a summary of the council's activities, progress, and
28 recommendations to the department by December 15.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill creates the children's mental health and
33 disability services advisory council to advise the department
34 of human services on planning and implementation issues,
35 best and emerging practices, and outcomes relating to mental

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1 health and disability services for children in this state.
2 The council shall consist of 15 members and shall be composed
3 of a diverse group of stakeholders in order to ensure that a
4 broad range of voices, representative of persons who receive
5 or are involved with children's mental health and disability
6 services, help shape Iowa's children's system of mental
7 health and disability services care. Council members should
8 include family members, service recipients or former service
9 recipients, providers of services, academics, members of the
10 juvenile justice system, and other persons with an interest
11 in ensuring a strong, effective children's mental health and
12 disability service system.
13 The bill includes provisions relating to the appointment
14 and reimbursement of council members and includes a reporting
15 requirement.



Iowa General Assembly
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House File 362 - Introduced

HOUSE FILE 362
BY SALMON

A BILL FOR

1 An Act concerning alternative transportation options relating
2 to mental health services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1611YH (3) 86
pf/nh



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H.F. 362

1 Section 1. MENTAL HEALTH SYSTEM — ALTERNATIVE
2 TRANSPORTATION OPTIONS.

3 1. The department of human services shall work with
4 regional administrators of the mental health and disability
5 services regions, representatives of the judicial branch
6 representing judges, district court administration, clerks
7 of court, the Iowa hospital association, community mental
8 health centers, mental health advocates, city and county law
9 enforcement, emergency medical services personnel, and other
10 appropriate entities to develop recommended protocols for the
11 use of alternative transportation options for the transport of
12 individuals with mental illness and to develop a recommended
13 associated reimbursement methodology.

14 2. The protocols developed shall balance the appropriate
15 level of risk management and safety relative to all involved
16 with the goal of reducing the costs associated with and
17 the overreliance on law enforcement and emergency medical
18 services in providing transportation for persons with mental
19 illness throughout the system continuum including for routine
20 appointments, assessment, or treatment, or during the voluntary
21 and involuntary commitment processes.

22 3. The protocols shall reflect all of the following:

23 a. Individuals with mental illness should be provided with
24 the least restrictive, safe transportation option to minimize
25 interference with their rights, dignity, and self-respect,
26 and reduce the likelihood that the act of transporting the
27 individual will be a traumatic event.

28 b. A hierarchy of alternative transportation options to
29 match the totality of the circumstances presented. Factors
30 to consider in developing the hierarchy may include existing
31 statutory requirements, the individual's legal status, the
32 individual's current and past mental health history, the
33 individual's physical health, the individual's immediate
34 treatment needs, the risk of harm the individual poses to self
35 and others, the distance to be traveled, the individual's need

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1 for clinical support, supervision, and sedation during travel,
2 the available modes of transportation, the likely effect on the
3 individual of the proposed mode of transportation, information
4 provided by other service providers, family, or caregivers, and
5 the availability of appropriately trained staff for assessment
6 and escorting, especially in rural areas.

7 4. The department shall report the recommended protocols
8 developed and the associated reimbursement methodology,
9 including any necessary changes in statute or rule, to the
10 governor and general assembly by December 15, 2015.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill directs the department of human services to work
15 with a variety of appropriate entities to develop recommended
16 protocols for the use of alternative transportation options
17 for the transport of individuals with mental illness and to
18 develop a recommended associated reimbursement methodology.
19 The protocols developed shall balance the appropriate level of
20 risk management and safety relative to all involved with the
21 goal of reducing the costs associated with and the overreliance
22 on law enforcement and emergency medical services in providing
23 transportation for persons with mental illness throughout
24 the system continuum. The protocols are to reflect that
25 individuals with mental illness should be provided with the
26 least restrictive, safe transportation option to minimize
27 interference with their rights, dignity, and self-respect,
28 and reduce the likelihood that the act of transporting the
29 individual will be a traumatic event; and the protocols
30 should provide for a hierarchy of alternative transportation
31 options to match the totality of the circumstances presented.
32 The department of human services is required to report
33 the recommended protocols developed and the associated
34 reimbursement methodology, including any necessary changes
35 in statute or rule, to the governor and general assembly by

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H.F. 362

1 December 15, 2015.



Iowa General Assembly
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House File 363 - Introduced

HOUSE FILE 363
BY JONES

A BILL FOR

- 1 An Act relating to unattended motor vehicles.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2175YH (1) 86
ns/nh



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House File 364 - Introduced

HOUSE FILE 364
BY WOLFE and GASKILL

A BILL FOR

1 An Act enhancing penalties for a second offense of domestic
2 abuse assault in certain circumstances.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2480HH (4) 86
jh/rj



Iowa General Assembly
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H.F. 364

1 Section 1. Section 708.2A, subsections 2 and 3, Code 2015,
2 are amended to read as follows:

3 2. ~~On~~ Except as provided in subsection 5, on a first offense
4 of domestic abuse assault, the person commits:

5 a. A simple misdemeanor for a domestic abuse assault, except
6 as otherwise provided.

7 b. A serious misdemeanor, if the domestic abuse assault
8 causes bodily injury or mental illness.

9 c. An aggravated misdemeanor, if the domestic abuse assault
10 is committed with the intent to inflict a serious injury upon
11 another, or if the person uses or displays a dangerous weapon
12 in connection with the assault. This paragraph does not apply
13 if section 708.6 or 708.8 applies.

14 d. An aggravated misdemeanor, if the domestic abuse assault
15 is committed by knowingly impeding the normal breathing or
16 circulation of the blood of another by applying pressure to the
17 throat or neck of the other person or by obstructing the nose
18 or mouth of the other person.

19 3. Except as otherwise provided in subsection 2 5, on a
20 second domestic abuse assault, a person commits:

21 a. A serious misdemeanor, if the first offense was
22 classified as a simple misdemeanor, and the second offense
23 would otherwise be classified as a simple misdemeanor.

24 b. An aggravated misdemeanor, if either the first offense
25 was not classified as a simple ~~or aggravated~~ misdemeanor,
26 ~~and or~~ or the second offense would not otherwise be classified
27 as a serious simple misdemeanor, ~~or the first offense was~~
28 ~~classified as a serious or aggravated misdemeanor, and the~~
29 ~~second offense would otherwise be classified as a simple or~~
30 ~~serious misdemeanor.~~

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill enhances penalties for a second offense of
35 domestic abuse assault in certain cases.

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1 Under current law, the penalty for a second domestic abuse
2 assault that would otherwise be a simple misdemeanor is
3 enhanced to an aggravated misdemeanor if the first domestic
4 abuse assault was a serious or aggravated misdemeanor. The
5 penalty for a second domestic abuse assault that would
6 otherwise be a serious misdemeanor is enhanced to an aggravated
7 misdemeanor if the first domestic abuse assault was a simple,
8 serious, or aggravated misdemeanor.

9 The bill provides that the penalty for a second domestic
10 abuse assault that would otherwise be a simple or serious
11 misdemeanor is enhanced to an aggravated misdemeanor if the
12 first domestic abuse assault was not classified as a simple
13 misdemeanor, which would include classification as a class "D"
14 felony under Code section 708.2A(5). Code section 708.2A(5)
15 provides that a domestic abuse assault committed by knowingly
16 impeding the normal breathing or circulation of the blood of
17 another by applying pressure to the throat or neck of the other
18 person or by obstructing the nose or mouth of the other person,
19 and causing bodily injury, is a class "D" felony.

20 An aggravated misdemeanor is punishable by confinement for
21 no more than two years and a fine of at least \$625 but not more
22 than \$6,250.



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House File 365 - Introduced

HOUSE FILE 365
BY HANSON, SHEETS, GASKILL,
VANDER LINDEN, MAXWELL, and
COHOON

A BILL FOR

1 An Act relating to certain delinquent accounts for wastewater,
2 sewer system, storm water drainage, and sewage treatment
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1673YH (7) 86
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1 Section 1. Section 384.84, subsection 3, Code 2015, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. *e.* (1) A legal entity created pursuant
4 to chapter 28E by a city or cities, or other political
5 subdivisions, and public or private agencies for the purposes
6 of providing wastewater, sewer system, storm water drainage,
7 or sewage treatment services shall have the same powers and
8 duties as a city utility or enterprise under this subsection
9 with respect to account holders and subsequent owners, or
10 with respect to properties and premises, associated with a
11 delinquent account under this subsection.

12 (2) The governing body of a city utility, combined city
13 utility, city enterprise, or combined city enterprise may enter
14 into an agreement with a legal entity described in subparagraph
15 (1) to discontinue water service to a property or premises if
16 an account owed the legal entity for wastewater, sewer system,
17 storm water drainage, or sewage treatment services provided to
18 that customer's property or premises becomes delinquent. The
19 customer shall be responsible for all costs associated with
20 discontinuing and reestablishing water service disconnected
21 pursuant to this paragraph.

22 NEW PARAGRAPH. *f.* (1) A legal entity providing wastewater,
23 sewer system, storm water drainage, or sewage treatment
24 services to a city or cities or other political subdivisions
25 pursuant to a franchise or other agreement shall have the same
26 powers and duties as a city utility or enterprise under this
27 subsection with respect to account holders and subsequent
28 owners, or with respect to properties and premises, associated
29 with a delinquent account under this subsection.

30 (2) The governing body of a city utility, combined city
31 utility, city enterprise, or combined city enterprise may enter
32 into an agreement with a legal entity described in subparagraph
33 (1) to discontinue water service to a property or premises if
34 an account owed the legal entity for wastewater, sewer system,
35 storm water drainage, or sewage treatment services provided to

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1 that customer's property or premises becomes delinquent. The
2 customer shall be responsible for all costs associated with
3 discontinuing and reestablishing water service disconnected
4 pursuant to this paragraph.

5 Sec. 2. Section 384.84, subsection 6, Code 2015, is amended
6 to read as follows:

7 6. a. The governing body of a city utility or city
8 enterprise providing wastewater, sewer system, storm water
9 drainage, or sewage treatment services may file suit in the
10 appropriate court against a customer if the customer's account
11 for such services becomes delinquent pursuant to subsection 3.
12 The governing body may recover the costs for providing such
13 services to the customer's property or premises and reasonable
14 attorney fees actually incurred.

15 b. A legal entity described in subsection 3, paragraph "e"
16 or "f", shall have the same powers and duties as a city utility
17 or enterprise under paragraph "a" with respect to filing suit
18 in an appropriate court against a customer if the customer's
19 account for such services becomes delinquent.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to certain delinquent accounts for
24 wastewater, sewer system, storm water drainage, and sewage
25 treatment services.

26 The bill provides that legal entities created pursuant
27 to Code chapter 28E agreements for the purposes of providing
28 wastewater, sewer system, storm water drainage, or sewage
29 treatment services have the same powers and duties as a city
30 utility or enterprise under Code section 384.84 with respect
31 to account holders and subsequent owners, or with respect to
32 properties and premises, associated with a delinquent account.

33 The bill allows the governing body of a city utility,
34 combined city utility, city enterprise, or combined city
35 enterprise to enter into an agreement with these legal

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1 entities, to discontinue water service to a customer's property
2 or premises if an account for those services for that property
3 or premises becomes delinquent. The bill further states that
4 the customer is responsible for all costs associated with
5 discontinuance and reestablishing water service. The bill also
6 provides that these legal entities may file suit in district
7 court against a customer if the customer's account for such
8 services becomes delinquent.
9 The bill adds corresponding provisions for legal entities
10 providing such services pursuant to a franchise or other
11 agreement.



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House File 366 - Introduced

HOUSE FILE 366
BY KAUFMANN

A BILL FOR

1 An Act establishing a reversion account within the county
2 commissions of veteran affairs fund for the provision of
3 grants to county commissions of veteran affairs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 35A.16, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. *a.* A county commissions of veteran
4 affairs reversion account shall be established within the
5 county commissions of veteran affairs fund. Any moneys
6 received by a county commission of veteran affairs pursuant to
7 subsection 3 that are reimbursed or otherwise returned to the
8 department shall be credited to the account. Moneys in the
9 account shall be used to provide grants to county commissions
10 to provide services under chapter 35B. The department shall
11 establish rules to allow a county commission with insufficient
12 funds to provide requested services to apply for a grant from
13 the account and to require reporting to the department on
14 expenditure of the grant moneys.

15 *b.* Moneys distributed to a county under this subsection
16 shall be used to supplement and not supplant any existing
17 funding provided by the county or received by the county under
18 subsection 3 or from any other source.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill establishes a county commissions of veteran
23 affairs reversion account within the county commissions of
24 veteran affairs fund. Under current law, a county commission
25 of veteran affairs receives a \$10,000 annual allocation from
26 the department of veterans affairs. The bill provides that
27 any moneys returned to the department from that allocation be
28 credited to the reversion account to provide grants to county
29 commissions for the provision of services under Code chapter
30 35B. The bill requires that the department establish rules to
31 allow a county commission with insufficient moneys to provide
32 requested services to apply for a grant from the account and to
33 require reporting to the department on grant expenditures. The
34 bill also provides that grant moneys distributed to a county
35 be used to supplement and not supplant any existing funding

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1 provided by the county or received by the county from any other
2 source.



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House File 367 - Introduced

HOUSE FILE 367
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 41)

A BILL FOR

1 An Act relating to probate and estate-related laws, including
2 the deduction of administrative expenses on the Iowa
3 fiduciary income tax return, the Iowa inheritance tax,
4 fiduciaries' right to property and information, and
5 the surviving spouse's elective share, and including
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 367

1 DIVISION I

2 FIDUCIARY INCOME TAX

3 Section 1. Section 422.7, Code 2015, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 57. On the Iowa fiduciary income tax
6 return, subtract the amount of administrative expenses that
7 were not taken or allowed as a deduction in calculating net
8 income for federal fiduciary income tax purposes.

9 DIVISION II

10 INHERITANCE TAX

11 Sec. 2. Section 450.9, Code 2015, is amended to read as
12 follows:

13 **450.9 Individual exemptions.**

14 In computing the tax on the net estate, the entire
15 amount of property, interest in property, and income
16 passing to the surviving spouse, ~~and parents, grandparents,~~
17 ~~great-grandparents, and other lineal ascendants, children~~
18 ~~including legally adopted children and biological children~~
19 ~~entitled to inherit under the laws of this state, stepchildren,~~
20 ~~and grandchildren, great-grandchildren, and other lineal~~
21 ~~descendants, and stepchildren and their lineal descendants are~~
22 exempt from tax. "Lineal descendants" includes descendants by
23 adoption.

24 DIVISION III

25 FIDUCIARY WRITTEN REQUESTS

26 Sec. 3. Section 633.78, Code 2015, is amended by striking
27 the section and inserting in lieu thereof the following:

28 **633.78 Fiduciary written request and third-party protection.**

29 1. A fiduciary under this chapter may present a written
30 request to any person for the purpose of obtaining property
31 owned by a decedent or by a ward of a conservatorship for
32 which the fiduciary has been appointed, or property to which
33 a decedent or ward is entitled, or for information about such
34 property needed to perform the fiduciary's duties. The request
35 must contain statements confirming all of the following:

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1 *a.* The fiduciary's authority has not been revoked, modified,
2 or amended in any manner which would cause the representations
3 in the request to be incorrect.

4 *b.* The request has been signed by all fiduciaries acting on
5 behalf of the decedent or ward.

6 *c.* The request has been sworn and subscribed to under
7 penalty of perjury before a notary public as provided in
8 chapter 9B.

9 *d.* A photocopy of the fiduciary's letters of appointment is
10 being provided with the request.

11 2. A person to whom a request is presented under this
12 section may require that the fiduciary presenting the request
13 provide proof of the fiduciary's identity.

14 3. A person who in good faith provides the property or
15 information a fiduciary requests under this section, after
16 taking reasonable steps to verify the identity of the fiduciary
17 and who has no knowledge that the representations contained in
18 the request are incorrect, shall not be liable to any person
19 for so acting and may assume without inquiry the existence of
20 the facts contained in the request. The period of time to
21 verify the fiduciary's authority shall not exceed ten business
22 days from the date the person received the request. Any right
23 or title acquired from the fiduciary in consideration of the
24 provision of property or information under this section is not
25 invalid in consequence of a misapplication by the fiduciary. A
26 transaction, and a lien created by a transaction, entered into
27 by the fiduciary and a person acting in reliance upon a request
28 under this section is enforceable against the assets for which
29 the fiduciary has responsibility.

30 4. If a person refuses to provide the requested property
31 or information within ten business days after receiving a
32 request under this section, the fiduciary may bring an action
33 to recover the property or information or compel its delivery
34 against the person to whom the fiduciary presented the written
35 request. An action brought under this section must be brought

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1 within one year after the date of the act or failure to act.
2 If the court finds that the person acted unreasonably in
3 failing to deliver the property or information as requested
4 in the written request, the court may award any or all of the
5 following to the fiduciary:

6 a. Damages sustained by the decedent's or ward's estate.

7 b. Costs of the action.

8 c. A penalty in an amount determined by the court, but
9 not less than five hundred dollars or more than ten thousand
10 dollars.

11 d. Reasonable attorney fees, as determined by the court,
12 based on the value of the time reasonably expended by the
13 attorney and not by the amount of the recovery on behalf of the
14 fiduciary.

15 5. This section does not limit or change the right of
16 beneficiaries, heirs, or creditors to estate property to which
17 they are otherwise entitled.

18 DIVISION IV

19 ELECTIVE SHARE OF SURVIVING SPOUSE

20 Sec. 4. Section 633.238, Code 2015, is amended to read as
21 follows:

22 **633.238 Elective share of surviving spouse.**

23 1. The elective share of the surviving spouse shall be
24 limited to all of the following:

25 a. One-third in value of all the legal or equitable estates
26 in real property possessed by the decedent at any time during
27 the marriage which have not been sold on execution or other
28 judicial sale, and to which the surviving spouse has made no
29 express written relinquishment of right, including but not
30 limited to any relinquishments of rights described in paragraph
31 "d".

32 b. All personal property that, at the time of death, was in
33 the hands of the decedent as the head of a family, exempt from
34 execution.

35 c. One-third of all personal property of the decedent that

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1 is not necessary for the payment of debts and charges.

2 d. (1) One-third in value of the property held in trust
3 not necessary for the payment of debts and charges over which
4 the decedent was a ~~grantor~~ settlor and retained at the time of
5 death the power to alter, amend, or revoke the trust, or over
6 which the decedent waived or rescinded any such power within
7 one year of the date of death, and to which the surviving
8 spouse has not made any express written relinquishment in
9 compliance with subparagraph (2).

10 (2) The elective share of the surviving spouse shall not
11 include the value of the property held in a trust described in
12 subparagraph (1), if both of the following are true:

13 (a) The decedent created the trust after the date of
14 decedent's marriage to the surviving spouse.

15 (b) Every transfer of property into the trust, except
16 for tangible personal property, included a written statement
17 which complied with this subparagraph division. The written
18 statement shall be in boldface type of a minimum size of ten
19 points, signed and dated by the surviving spouse with a valid
20 notarial acknowledgment, and in substantially the following
21 form:

22 By signing below, I acknowledge that I am giving up all
23 rights to enjoyment of the property described above, regardless
24 of whether or not I survive my spouse and regardless of any
25 rights Iowa law otherwise gives to me with respect to such
26 property. I am specifically waiving my elective share in the
27 property described in this waiver.

28 This waiver shall apply regardless of any changes made to the
29 trust in the future, including any change to the beneficiaries
30 of the trust.

31 2. When a settlor of a revocable trust transfers real
32 property to the trustee of the revocable trust and the
33 settlor's spouse signs a conveyance of the real property to
34 such trustee which includes a general waiver of rights of
35 dower, homestead, and distributive share, the spouse is only

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1 relinquishing the right to that real property and its value
2 under subsection 1, paragraph "a", for the purpose of conveying
3 marketable title to a subsequent purchaser from the trustee
4 and is not relinquishing the right to the value of the real
5 estate under subsection 1, paragraph "d", unless the spouse
6 specifically states in writing an intent to relinquish the
7 right to the value of the real estate under subsection 1,
8 paragraph "d". The relinquishment of right under subsection
9 1, paragraph "a" shall not prevent the surviving spouse from
10 electing one-third in value of such real property under
11 subsection 1, paragraph "d".

12 ~~2.~~ 3. The elective share described in this section shall
13 be in lieu of any property the spouse would otherwise receive
14 under the last will and testament of the decedent, through
15 intestacy, or under the terms of a revocable trust.

16 DIVISION V

17 APPLICABILITY

18 Sec. 5. APPLICABILITY.

19 1. The section of this Act amending section 422.7 applies to
20 Iowa fiduciary income tax returns filed for tax years ending on
21 or after July 1, 2015.

22 2. The sections of this Act amending sections 450.9 and
23 633.238 apply to estates of decedents dying on or after July
24 1, 2015.

25 3. The section of this Act amending section 633.78 applies
26 to written requests presented by a fiduciary on or after July
27 1, 2015.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to probate and estate-related laws and the
32 deductibility of administrative expenses on the Iowa fiduciary
33 income tax return, the individual exemptions from the Iowa
34 inheritance tax, rights of fiduciaries of decedents and wards
35 under the probate code to information and property, and the

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1 surviving spouse's elective share.

2 DIVISION I — FIDUCIARY INCOME TAX. This division amends
3 the definition of net income for an Iowa fiduciary income tax
4 return to allow administrative expenses not taken or allowed
5 as a deduction in calculating net income for federal fiduciary
6 income tax purposes to be subtracted from adjusted gross income
7 when calculating net income. This division applies to Iowa
8 fiduciary income tax returns filed for tax years ending on or
9 after July 1, 2015.

10 DIVISION II — INHERITANCE TAX. This division amends the
11 individual exemptions from the Iowa inheritance tax to include
12 a decedent's stepchildren and their lineal descendants. Lineal
13 descendants include descendants by adoption. This division
14 applies to estates of decedents dying on or after July 1, 2015.

15 DIVISION III — FIDUCIARY WRITTEN REQUESTS. Under current
16 law, a person who in good faith pays or transfers money
17 or other property to a fiduciary, which the fiduciary is
18 authorized to receive, is not responsible for the proper
19 application by the fiduciary. This division amends current
20 law to permit fiduciaries of decedents or wards to present
21 a written request to any person to obtain property to which
22 the decedent or ward is entitled or for information needed
23 to perform the fiduciaries' duties. The division specifies
24 the representations required to be in the request. If the
25 person receiving the request takes reasonable steps to verify
26 the identity of the fiduciary and has no knowledge that the
27 representations in the request are incorrect, the person who
28 provides the property or information requested shall not be
29 liable to any person for so acting. The person who received
30 the request has 10 business days to provide the information or
31 property. After 10 days, the fiduciary may bring an action to
32 recover the property or information or compel its delivery. If
33 the fiduciary prevails in the court action, the court may also
34 award damages sustained by the decedent's or ward's estate,
35 costs of the action, a penalty determined by the court of

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1 not less than \$500 and not more than \$10,000, and reasonable
2 attorney fees. This division applies to written requests
3 presented by a fiduciary on or after July 1, 2015.

4 DIVISION IV — ELECTIVE SHARE OF THE SURVIVING SPOUSE.

5 This division relates to a surviving spouse's elective share
6 with regard to the value of property held in the deceased
7 spouse's revocable trust. Under current law, the surviving
8 spouse may waive the surviving spouse's right to include the
9 value of property held in the deceased spouse's revocable
10 trust with an express written relinquishment. This division
11 specifies the form of the express written relinquishment and
12 adds new requirements that the deceased owner's revocable
13 trust be created after the date of the marriage between the
14 deceased owner and the surviving spouse and that every transfer
15 of property must include an express written relinquishment.
16 This division also states when a settlor of a revocable trust
17 transfers real property to the trustee of the revocable trust
18 and the settlor's spouse executes a conveyance which includes a
19 waiver of rights of dower, homestead, and distributive share,
20 the spouse does not waive the right to include the value of
21 the real property in the elective share unless the spouse
22 also specifically states an intent to do so in writing. This
23 division applies to estates of decedents dying on or after July
24 1, 2015.



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House File 368 - Introduced

HOUSE FILE 368

BY STECKMAN, McCONKEY, HALL,
KELLEY, STAED, KRESSIG,
DAWSON, T. TAYLOR, and
JACOBY

A BILL FOR

1 An Act relating to the establishment of first-time homebuyer
2 savings accounts in Iowa, including related individual
3 income tax exemptions, making penalties applicable, and
4 including effective date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 12I.1 Short title.

2 This chapter may be cited as the "*Iowa First-time Homebuyer*
3 *Savings Account Act*".

4 Sec. 2. NEW SECTION. 12I.2 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Account holder*" means a first-time homebuyer who is a
8 resident of this state and who establishes, either individually
9 or jointly with the resident's spouse who is also a first-time
10 homebuyer, a first-time homebuyer savings account. A person
11 ceases to be an account holder following the purchase of a
12 principal residence after the establishment of a first-time
13 homebuyer savings account.

14 2. "*Eligible costs*" means the down payment and allowable
15 closing costs for the purchase of a principal residence in Iowa
16 which principal residence is purchased after the establishment
17 of the first-time homebuyer savings account.

18 3. "*First-time homebuyer*" means an individual who has never
19 owned or purchased under contract for deed, either individually
20 or jointly, a single-family, owner-occupied residence,
21 including but not limited to a manufactured or mobile home that
22 is assessed and taxed as real estate or taxed under chapter
23 435 or taxed under other similar law of another state, or a
24 condominium unit.

25 4. "*First-time homebuyer savings account*" means an account
26 established with a state or federally chartered bank, savings
27 and loan association, credit union, or trust company in this
28 state to finance the purchase of a principal residence in this
29 state.

30 5. "*Principal residence*" means a single-family,
31 owner-occupied residence in the state that will be the
32 principal place of residence of the account holder, whether
33 owned or purchased under contract for deed by the account
34 holder, individually or jointly. "*Principal residence*" includes
35 but is not limited to a manufactured home or mobile home that

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1 is assessed and taxed as real estate or taxed under chapter
2 435, and a condominium unit.

3 6. "Resident" means the same as defined in section 422.4.

4 Sec. 3. NEW SECTION. 12I.3 First-time homebuyer savings
5 account.

6 1. *Establishment.*

7 a. A first-time homebuyer who is a resident of this
8 state may establish, either individually or jointly with
9 the resident's spouse who is also a first-time homebuyer, a
10 first-time homebuyer savings account to finance the purchase
11 of a principal residence. Married taxpayers electing to file
12 separate tax returns or separately on a combined tax return
13 shall not establish or maintain a joint first-time homebuyer
14 savings account.

15 b. The account holder who establishes the first-time
16 homebuyer savings account, individually or jointly, is the
17 owner and administrator of the account.

18 c. A first-time homebuyer savings account shall be an
19 interest-bearing savings account.

20 d. A financial institution shall not be responsible for
21 the use or application of funds within a first-time homebuyer
22 savings account solely because the account is held at that
23 financial institution.

24 2. *Use and administration by account holder.*

25 a. The account holder shall use the money in the first-time
26 homebuyer savings account for eligible costs related to the
27 purchase of a principal residence within ten years following
28 the year in which the account is first established.

29 b. An account holder shall not contribute to a first-time
30 homebuyer savings account for a period exceeding ten years.

31 c. There is no limitation on the amount of contributions
32 that may be made to or retained in a first-time homebuyer
33 savings account.

34 d. The account holder shall not use funds held in a
35 first-time homebuyer savings account to pay expenses, if any,

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1 of administering the account, except that a service fee may be
2 charged to the account by the financial institution where the
3 account is held.

4 *e.* Documentation regarding the segregation of funds in
5 a first-time homebuyer savings account from other funds and
6 documentation regarding eligible costs for the purchase of a
7 principal residence shall be maintained by the account holder.
8 The burden of proving that a withdrawal from a first-time
9 homebuyer savings account was made for eligible costs is upon
10 the account holder.

11 *f.* Within thirty days of being furnished proof of death
12 of the account holder, the financial institution where
13 the first-time homebuyer savings account is held shall
14 distribute any amount remaining in the first-time homebuyer
15 savings account to the estate of the account holder or to a
16 transfer on death or pay on death beneficiary of the account
17 properly designated by the account holder with the financial
18 institution.

19 *g.* The account holder shall file reports with the department
20 of revenue as reasonably required by the department of revenue.

21 *h.* The account holder is required to remit the withdrawal
22 penalty in section 422.7, subsection 57, paragraph "c", if
23 assessed, to the department of revenue in the same manner as
24 provided in section 422.16, subsection 2.

25 3. *Penalties.* A person who knowingly prepares or causes to
26 be prepared a false claim, statement, or billing to justify the
27 withdrawal of money from a first-time homebuyer savings account
28 is guilty of a serious misdemeanor for each violation.

29 Sec. 4. NEW SECTION. **12I.4 Tax considerations.**

30 The state income tax treatment of a first-time homebuyer
31 savings account shall be as provided in section 422.7,
32 subsection 57.

33 Sec. 5. NEW SECTION. **12I.5 Rules.**

34 The director of revenue and the treasurer of state shall each
35 adopt rules to jointly implement and administer this chapter.

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1 Sec. 6. Section 422.7, Code 2015, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 57. *a.* Subtract the amount of
4 contributions made by an account holder to the account holder's
5 first-time homebuyer savings account during the tax year, not
6 to exceed three thousand dollars per individual per tax year,
7 or six thousand dollars per tax year for a married couple who
8 have a joint first-time homebuyer savings account and file a
9 joint return. An amount of contributions made during a tax
10 year in excess of three thousand dollars, or six thousand
11 dollars, as applicable, may be subtracted by an account holder
12 in a subsequent tax year, provided the total exemption under
13 this paragraph for the subsequent tax year does not exceed
14 three thousand dollars, or six thousand dollars, as applicable.
15 This paragraph shall not apply to an account holder more
16 than ten years after the account holder first establishes a
17 first-time homebuyer savings account.

18 *b.* Subtract, to the extent included, income from interest
19 and earnings received from an account holder's first-time
20 homebuyer savings account. This paragraph "b" shall not apply
21 to any interest and earnings received by an account holder more
22 than ten years after the account holder first establishes a
23 first-time homebuyer savings account.

24 *c.* (1) Add, to the extent previously subtracted under
25 paragraph "a", the amount resulting from a withdrawal made from
26 a first-time homebuyer savings account for purposes other than
27 the payment of eligible costs of the account holder. Such
28 withdrawal shall also be assessed a penalty in an amount equal
29 to ten percent of the amount of the withdrawal that represents
30 interest and earnings in the first-time homebuyer savings
31 account. The penalty shall not apply to withdrawals made on
32 account of the death of the account holder or for the purpose
33 of paying the eligible costs of the account holder.

34 (2) For purposes of this paragraph "c", any amount remaining
35 in a first-time homebuyer savings account of an account holder

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1 on the day after the purchase of a principal residence or the
2 last business day of the tenth calendar year following the
3 calendar year in which the account holder first establishes a
4 first-time homebuyer savings account, whichever occurs first,
5 shall be considered a withdrawal under subparagraph (1).

6 (3) For purposes of this paragraph "c", the following shall
7 not be considered a withdrawal under subparagraph (1):

8 (a) Any amount transferred between different first-time
9 homebuyer savings accounts of the same account holder by a
10 person other than the account holder.

11 (b) Any amounts withdrawn or otherwise transferred from a
12 first-time homebuyer savings account pursuant to an order in
13 bankruptcy.

14 d. For purposes of this subsection, "account holder",
15 "eligible costs", and "first-time homebuyer savings account" all
16 mean the same as defined in section 12I.2.

17 Sec. 7. EFFECTIVE DATE. This Act takes effect January 1,
18 2016.

19 Sec. 8. APPLICABILITY. This Act applies to tax years
20 beginning on or after January 1, 2016.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill allows first-time homebuyers who are residents
25 of Iowa to establish a first-time homebuyer savings account
26 (account) with a state or federally chartered bank, savings and
27 loan association, credit union, or trust company in this state
28 to finance the purchase of a principal residence in this state.
29 "First-time homebuyer" and "principal residence" are defined in
30 the bill. The account is required to be an interest-bearing
31 savings account. The account may be established individually
32 or jointly with the resident's spouse. However, married
33 taxpayers electing to file separate tax returns or separately
34 on a combined tax return shall not establish or maintain a
35 joint account.

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1 There is no limitation on the amount of contributions that
2 may be made to or retained in a first-time homebuyer savings
3 account. An account holder is required to use the funds in
4 an account for eligible costs related to the purchase of a
5 principal residence within 10 years following the year in which
6 the account is first established.

7 "Eligible costs" are defined in the bill and include the down
8 payment and allowable closing costs of a principal residence
9 that was purchased after the establishment of the account. If
10 the account holder withdraws funds for any purpose other than
11 the payment of eligible costs, the account holder is subject to
12 a penalty equal to 10 percent of the amount of the withdrawal
13 that represents interest and earnings in the account, unless
14 the withdrawal occurs because of the death of the account
15 holder. The penalty amounts are required to be remitted by the
16 account holder to the department of revenue in the same manner
17 as Code section 422.16(2), relating to the withholding of
18 income tax. A person ceases to be an account holder following
19 the purchase of a principal residence after the establishment
20 of an account.

21 Accounts are required to be administered by the account
22 holder. The bill prohibits the account holder from using
23 account funds to pay administrative expenses of the account,
24 but the bill does allow a financial institution where the
25 account is held to charge a service fee. Documentation
26 regarding the segregation of funds in the account from other
27 funds and documentation regarding eligible costs shall be
28 maintained by the account holder. The bill also requires the
29 account holder to file reports as required by the department of
30 revenue. Within 30 days of being furnished proof of death of
31 the account holder, the financial institution where the account
32 is held shall distribute the funds to the estate of the account
33 holder or to a transfer on death or pay on death beneficiary
34 properly designated by the account holder.

35 The bill provides for two individual income tax incentives

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1 relating to first-time homebuyer savings accounts. First,
2 an account holder is allowed to subtract from the individual
3 income tax the amount of contributions made during the year
4 to the account holder's account, not to exceed \$3,000 per
5 individual, or \$6,000 for a married couple with a joint account
6 and filing a joint income tax return. If the account holder
7 contributes more than that amount, the excess may be subtracted
8 in a subsequent tax year provided the total exemption in any
9 one tax year does not exceed \$3,000 or \$6,000, as applicable.
10 Second, the bill exempts any interest or earnings received from
11 an account holder's account. Both the contribution exemption
12 and interest exemption only apply for the first 10 years after
13 the account holder establishes an account.

14 The bill requires an account holder to add to net income the
15 amount of withdrawal from an account that was made for purposes
16 other than eligible costs of the account holder to the extent
17 it was previously subtracted as a contribution. Any amount
18 remaining in an account on the day after an account holder
19 purchases a principal residence or on the last business day of
20 the 10th calendar year following the calendar year the account
21 holder first establishes an account, whichever occurs first,
22 shall be considered a withdrawal that must be added to net
23 income to the extent it was previously subtracted. However,
24 amounts transferred between different accounts of the same
25 account holder by a person other than the account holder or
26 amounts withdrawn pursuant to an order in bankruptcy shall not
27 be considered withdrawals that must be added to net income.

28 The bill makes it a serious misdemeanor to knowingly prepare
29 or cause to be prepared a false claim, statement, or billing
30 to justify the withdrawal of money from a first-time homebuyer
31 savings account. A serious misdemeanor is punishable by
32 confinement for no more than one year and a fine of at least
33 \$315 but not more than \$1,875.

34 The bill requires the director of revenue and the treasurer
35 of state to each adopt rules to jointly implement and

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1 administer the bill.

2 The bill takes effect January 1, 2016, and applies to tax
3 years beginning on or after that date.



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House File 369 - Introduced

HOUSE FILE 369
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 23)

A BILL FOR

1 An Act relating to vital statistics certificates or records
2 and vital statistics fees collected by the state and county
3 registrars of vital statistics.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1484HV (2) 86
aw/sc



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H.F. 369

1 Section 1. Section 144.45, Code 2015, is amended to read as
2 follows:

3 **144.45 Certified copies — other copies.**

4 1. The state registrar and the county registrar shall,
5 upon written request from any applicant entitled to a record,
6 issue a certified copy of any certificate or record in the
7 registrar's custody or of a part of a certificate or record.
8 Each copy issued shall show the date of registration; and
9 copies issued from records marked "delayed", "amended", or
10 "court order" shall be similarly marked and show the effective
11 date.

12 2. A certified copy of a certificate, or any part thereof,
13 shall be considered for all purposes the same as the original
14 and shall be prima facie evidence of the facts therein stated,
15 provided that the evidentiary value of a certificate or record
16 filed more than one year after the event, or a record which
17 has been amended, shall be determined by the judicial or
18 administrative body or official before whom the certificate is
19 offered as evidence.

20 3. The national division of vital statistics may be
21 furnished copies or data which it requires for national
22 statistics, provided that the state be reimbursed for the cost
23 of furnishing data, and provided further that data shall not
24 be used for other than statistical purposes by the national
25 division of vital statistics unless so authorized by the state
26 registrar.

27 4. Federal, state, local, and other public or private
28 agencies may, upon written request, be furnished copies or data
29 for statistical purposes upon terms or conditions prescribed
30 by the department.

31 5. a. No person shall prepare or issue any certificate
32 which purports to be an original, ~~or certified copy, or copy~~ of
33 a certificate of birth, death, fetal death, or marriage except
34 as authorized in this chapter.

35 b. No person, in the person's capacity as an employee or

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1 agent of the state or a political subdivision of the state,
2 shall prepare or issue any certificate which purports to be a
3 copy of a certificate of birth, death, fetal death, or marriage
4 except as necessary in the scope of the person's employment or
5 agency or as otherwise authorized in this chapter.

6 Sec. 2. Section 144.46, subsection 1, paragraph b, Code
7 2015, is amended by striking the paragraph.

8 Sec. 3. Section 144.46, Code 2015, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 3. The department may establish and
11 maintain, and either the state registrar or the county
12 registrar is authorized to collect, a fee for a search of the
13 files or records when no copy is made, or when no record is
14 found on file.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to vital statistics fees collected by the
19 state and county registrars of vital statistics.

20 Under current law, a person is not allowed to prepare or
21 issue an original, certified copy, or copy of a certificate
22 of birth, death, fetal death, or marriage except as provided
23 in Code chapter 144. The bill maintains these restrictions
24 for originals and certified copies. For other copies, the
25 bill provides that no person, in the person's capacity as an
26 employee or agent of the state or of a political subdivision
27 of the state, shall prepare or issue any certificate which
28 purports to be a copy of the certificate except as necessary in
29 the scope of the person's employment or agency or as provided
30 in Code chapter 144.

31 Under current law, the department of public health is also
32 required to establish a vital statistics fee, based on average
33 administrative costs, for searches of files or records when a
34 copy of the file or record is not made or when the record is not
35 found. Current law also requires that the fee be collected by

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1 the state registrar and county registrars (county recorders).
2 The bill strikes the current Iowa Code provision requiring
3 this fee but provides that the department may establish such
4 a fee and that the state registrar or county registrars are
5 authorized to collect such fees.



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House File 370 - Introduced

HOUSE FILE 370
BY SALMON

A BILL FOR

1 An Act creating a parent investment tax credit available
2 against the individual income tax and including retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1375YH (5) 86
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H.F. 370

1 Section 1. NEW SECTION. 422.10A Parent investment tax
2 credit.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 a. "Dependent" has the same meaning as provided by the
6 Internal Revenue Code.

7 b. "Earned income" means the same as defined in section 32
8 of the Internal Revenue Code.

9 c. "Public assistance program" means the family investment,
10 food assistance, and medical assistance programs administered
11 by the department of human services.

12 2. The taxes imposed under this division, less the credits
13 allowed under section 422.12, shall be reduced by a parent
14 investment tax credit equal to one of the following amounts:

15 a. For a married person who meets the requirements of
16 subsection 3, five hundred dollars.

17 b. (1) For a married person who meets the requirements
18 of subsection 3 and who also meets one of the requirements
19 of subparagraph (2) or (3) of this paragraph, one thousand
20 dollars.

21 (2) The person provided private instruction in this state in
22 accordance with chapter 299A to at least one dependent of the
23 person during the tax year, which dependent did not attend a
24 public school or an accredited nonpublic school.

25 (3) The person has one or more dependents that attended a
26 public school or an accredited nonpublic school in this state
27 and the person provided at least one hundred eighty hours of
28 volunteer service during the tax year to the school or schools.
29 The person is required to have a written statement from a
30 school administrator verifying the number of hours of volunteer
31 service the person provided to the school during the year.

32 3. To be eligible for the credit provided in this section, a
33 married person must meet all of the following requirements:

34 a. The person is a resident of this state.

35 b. The person has a dependent who during the tax year was

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1 enrolled in this state in a preschool program or in any grade
2 from kindergarten through grade twelve, or who received private
3 instruction in this state in accordance with chapter 299A.

4 c. The person, the person's spouse, and the person's
5 dependents are not participating in a public assistance
6 program.

7 d. The amount of earned income received by the person for
8 the tax year does not exceed ten thousand dollars.

9 e. The person's spouse is not claiming the credit provided
10 in this section.

11 4. If the requirement in subsection 3, paragraph "c", is not
12 met for the entire tax year, the maximum amount of the credit
13 for which the taxpayer is eligible shall be prorated and the
14 amount of the credit for the taxpayer shall equal the maximum
15 amount of credit for which the taxpayer is eligible for the tax
16 year, divided by twelve, multiplied by the number of months in
17 the tax year the requirements of subsection 3, paragraph "c",
18 were met. If the person, the person's spouse, or the person's
19 dependents are participating in a public assistance program
20 during any part of the month, the person shall be considered as
21 participating in the public assistance program for the entire
22 month.

23 5. Any credit in excess of the tax liability is not
24 refundable but the excess for the tax year may be credited to
25 the tax liability for the following tax years until depleted.

26 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
27 retroactively to January 1, 2015, for tax years beginning on
28 or after that date.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill creates a parent investment tax credit available
33 against the individual income tax for a married person who
34 meets certain requirements specified in the bill. First, the
35 person must be an Iowa resident and must have a dependent

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1 enrolled in Iowa in a preschool program or in any grade from
2 kindergarten through grade 12, or receiving private instruction
3 in this state in accordance with Code chapter 299A. Second,
4 the person, the person's spouse, and the person's dependents
5 (person's family) cannot be participating in a public
6 assistance program, defined in the bill to mean the family
7 investment, food assistance, and medical assistance programs
8 administered by the department of human services. Third,
9 the person's earned income for the tax year must not exceed
10 \$10,000. "Earned income" and "dependent" are defined in the
11 bill. The parent investment tax credit may only be claimed by
12 one spouse.

13 The credit is equal to \$500. However, the credit is equal
14 to \$1,000 if the person also provides private instruction to
15 the person's dependent in this state during the tax year in
16 accordance with Code chapter 299A or, if the dependent is
17 enrolled in school, the person volunteers at least 180 hours
18 with the school during the tax year. The person is required to
19 obtain a written statement from the school verifying the number
20 of hours the person volunteered during the tax year.

21 If a person's family participated in a public assistance
22 program for part of the year, but the person otherwise meets
23 the requirements for the tax credit, the amount of tax credit
24 is prorated based upon the number of months during the tax
25 year the person's family was not participating in a public
26 assistance program.

27 The credit is nonrefundable, but any excess tax credit may be
28 carried forward to future tax years until fully depleted.

29 The credit applies retroactively to tax years beginning on
30 or after January 1, 2015.



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House File 371 - Introduced

HOUSE FILE 371
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 119)

A BILL FOR

1 An Act relating to allowable disclosures of radon testing
2 results.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 2194HV (2) 86
aw/sc



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H.F. 371

1 Section 1. Section 136B.2, subsection 1, paragraph b, Code
2 2015, is amended to read as follows:

3 b. A person shall not disclose to any other person, except
4 to the department, the address or owner of a nonpublic building
5 that the person tested for the presence of radon gas and radon
6 progeny, unless the owner of the building waives, in writing,
7 this right of confidentiality. However, a person certified
8 or credentialed pursuant to section 136B.1 may disclose the
9 results of a test performed by the person for the presence of
10 radon and radon progeny to a potential buyer of a nonpublic
11 building when an offer to purchase has been presented by the
12 buyer and if the potential buyer paid for the testing. Any
13 test results disclosed shall be results of a test performed
14 within the five years prior to the date of the disclosure.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to allowable disclosures of radon
19 testing results. The bill provides that a person certified or
20 credentialed pursuant to Code section 136B.1 may disclose the
21 results of radon testing to a potential buyer of a nonpublic
22 building when an offer to purchase has been presented by the
23 buyer and the buyer paid for the testing.

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House File 372 - Introduced

HOUSE FILE 372
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 92)

A BILL FOR

1 An Act relating to court appointed special advocates and the
2 confidentiality of information regarding a child receiving
3 foster care.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1328HV (2) 86
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1 Section 1. Section 237.21, subsection 1, Code 2015, is
2 amended to read as follows:

3 1. The information and records of or provided to a local
4 board, state board, or court appointed special advocate
5 regarding a child who is receiving foster care or who is under
6 the court's jurisdiction and the child's family when relating
7 to services provided or the foster care placement are not
8 public records pursuant to chapter 22. The state board and
9 local boards, with respect to hearings involving specific
10 children receiving foster care and the child's family, are not
11 subject to chapter 21.

12 Sec. 2. Section 237.21, Code 2015, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 2A. A court appointed special advocate may
15 attend family team decision-making meetings or youth transition
16 decision-making meetings upon request by the family or child
17 and disclose case-related observations and recommendations
18 relating to a child or a child's family while attending the
19 meetings.

20 NEW SUBSECTION. 2B. A court appointed special advocate
21 may disclose case-related observations and recommendations to
22 the agency assigned by the court to supervise the case, to the
23 county attorney, or to the child's legal representative or
24 guardian ad litem.

25 Sec. 3. Section 237.21, subsection 3, Code 2015, is amended
26 to read as follows:

27 3. Members of the state board and local boards, court
28 appointed special advocates, and the employees of the
29 department and the department of inspections and appeals are
30 subject to standards of confidentiality pursuant to sections
31 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and
32 600.16A. Members of the state and local boards, court appointed
33 special advocates, and employees of the department and the
34 department of inspections and appeals who disclose information
35 or records of the board or department, other than as provided

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1 in ~~subsection 2~~ subsections 2, 2A, and 2B, sections 232.89 and
2 232.126, and section 237.20, subsection 2, are guilty of a
3 simple misdemeanor.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill relates to court appointed special advocates and
8 the confidentiality of information regarding a child receiving
9 foster care.

10 The bill allows a court appointed special advocate to attend
11 family team decision-making meetings and youth transition
12 decision-making meetings.

13 The bill amends confidentiality provisions concerning
14 information and records relating to a child receiving foster
15 care and foster care placement. Under current law, the
16 information and records of or provided to a local citizen
17 foster care review board, the child advocacy board, or court
18 appointed special advocate regarding a child receiving foster
19 care and the child's family when relating to the foster care
20 placement are not public records. The bill specifies that
21 such confidential information and records include records of
22 other services provided to a child who is under the court's
23 jurisdiction.

24 The bill allows a court appointed special advocate to attend
25 family team decision-making meetings or youth transition
26 decision-making meetings upon request by the family or child
27 and disclose case-related observations and recommendations
28 relating to a child or a child's family while attending the
29 meetings.

30 The bill also allows a court appointed special advocate
31 to disclose case-related observations and recommendations to
32 the agency assigned by the court to supervise the case, to the
33 county attorney, or to the child's legal representative or
34 guardian ad litem.

35 The bill exempts members of the state child advocacy

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1 board and local citizen foster care review boards, court
2 appointed special advocates, and employees of the departments
3 of human services and inspections and appeals from certain
4 confidentiality provisions if the disclosure of information
5 or records of the board or department are as provided under
6 the provisions of the bill, Code section 232.89 or 232.126
7 (appointments of counsel under juvenile justice Code), or
8 section 237.20, subsection 2 (court reports).



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House File 373 - Introduced

HOUSE FILE 373
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 91)

A BILL FOR

1 An Act increasing the criminal penalty for a sexually violent
2 predator who escapes or attempts to escape from custody.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1338HV (1) 86
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